

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 JAN 22 AM 10:38

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Francisco MARTINEZ-Martinez

Defendant.

Magistrate Case No. **08 MJ 0166**

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326

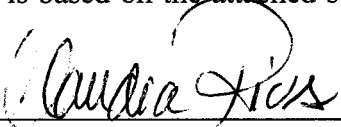
Attempted Entry After

Deportation

The undersigned complainant being duly sworn states:

On or about **January 21, 2008**, within the Southern District of California, defendant **Jose Francisco MARTINEZ-Martinez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Claudia Rios, U.S. Customs and Border
Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS **22nd** DAY OF **January**, 2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On 01/21/08 at approximately 4:55 PM, **Jose Francisco MARTINEZ-Martinez**, the Defendant, made application for admission to the United States from Mexico at the **San Ysidro Port of Entry** via the pedestrian primary lanes. Defendant declared himself to be a United States citizen by birth in San Fernando, California to a Customs and Border Protection (CBP) Officer. Defendant was subject of a computer system lookout. The primary officer escorted Defendant to secondary for further inspection.

During the secondary inspection, Defendant's fingerprints were queried in the Integrated Automated Fingerprint Identification System (IAFIS), which verified Defendants identity. Further queries in the Immigration Central Index System and the Deportable Alien control System found Defendant was ordered deported from the United States on 04/26/05 and physically removed from the United States through the San Ysidro, California Port of Entry on 04/27/05. Immigration service records indicate the Defendant has not applied for nor received permission to legally reenter the United States by the Attorney General or the Secretary of Homeland Security.

At approximately 10:23 PM, Defendant was placed under arrest and advised of his Miranda Right. Defendant elected to waive his right to counsel and gave the following statement. Defendant admitted being a citizen of Mexico. Defendant admitted to not having any legal document to enter the United States. Defendant stated he was deported from the United States by the Immigration Judge and has not applied for permission to reenter the United States. Defendant stated his intention was to return to his home in Los Angeles, California.